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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: April 15, 2002

By: Kay R. Ehrenkrantz
Deputy Attorney General

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS
OAL DOCKET NO. BDSME 02112-01S

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

LYNDON GOLDSMITH, D.V.M.
LICENSE NO. VI 2291

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

Administrative Action
CONSENT ORDER

This matter was opened before the New Jersey State Board of Veterinary Medical Examiners (the "Board") upon the Board's receipt of information suggesting that Respondent Lyndon Goldsmith, was using his DEA and CDS registrations to purchase and subsequently ingest controlled substances. This case was transmitted on February 13, 2001 to the Office of Administrative Law, and was docketed as BDSME 02112-01S. It is currently pending before A.L.J. Edith Klinger.

Upon receipt of the above information, Respondent was asked to appear and testify under oath before the Board. In February 1999, Respondent appeared without counsel before the Board, admitting that he had purchased Hydrocodone with APAP, Tylenol #4 and other prescription legend drugs for his personal use. He also admitted purchasing and giving small quantities of controlled substances and prescription legend medication to family members, including Diazepam, Hydrocodone, Alpraxolem, Lasix and Tigan. A Complaint was filed on November 13, 2000 by the Attorney General alleging two counts. Count One alleged that Respondent had used his CDS and DEA registrations to acquire controlled substances and prescription legend drugs for human consumption, contrary to his authority as a Board-licensed veterinarian. In his Answer, Respondent admitted that allegation. Count One also alleged that Respondent used the controlled substances personally and gave some to family members. Respondent's Answer to the Complaint admitted that allegation. Count One alleged violations of N.J.S.A. 45:1-21 (b), (e), and (i) and (h); N.J.S.A. 45:1-13; N.J.S.A. 24:21-15 (b), and N.J.A.C. 13:35-7.2, 13:44-4.1 (a) and (b).

Count Two of the Complaint alleged seventeen instances whereby Respondent ordered and received controlled substances in his practice, including Hydrocodone with APAP, Tylenol #4, and Diazepam. Respondent's Answer pled insufficient knowledge to admit or deny whether an employee may have surreptitiously ordered the

delineated controlled substances. Count Two alleged that Respondent failed to supervise his office staff and improperly stored CDS, and thereby permitted his CDS and DEA registrations, which are limited to use for veterinary purposes, to be used to provide controlled substances and prescription legend drugs for human consumption. Such conduct was alleged to constitute violations of N.J.S.A. 45:1-21 (c), (d), (e) or (i). Respondent has since admitted a lack of supervision of his employees and inappropriate control of the CDS inventory purchased by his practice. Respondent has admitted that he purchased CDS to treat his documented medical illness and that he developed a dependence on Hydrocodone for an approximately four year period, ending in late 1998.

Respondent's admissions to the alleged conduct contained in Counts One and Two of the Complaint establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (e) and (h).

The parties desiring to resolve this matter without the need for further formal disciplinary proceedings, and Respondent acknowledging and not contesting the findings of fact and conclusions of Law contained in the Complaint, and Respondent having entered into an agreement with the Healthcare Professionals Program of the Medical Society of New Jersey, Physicians' Health Program ("PHP"), and Respondent having sought treatment for his medical condition; and the Board having been presented with proof

of Respondent's rehabilitation and evidence of his ongoing treatment; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS on this 15th day of April, 2002

ORDERED:

1. The license of Respondent Lyndon Goldsmith, D.V.M., to practice veterinary medicine in the State of New Jersey is hereby suspended for a period of 4 years. The suspension shall commence nunc pro tunc ^{LC 15} April 14, 2002 and continue through ^{LC} April 15, 2006. The first six (6) months of the 4 year suspension is to be served as an active suspension. Respondent shall be precluded from engaging in any veterinary medical practice during the period of active suspension. Respondent shall be permitted to seek a stay of the final three months of the active suspension on, which stay shall be granted only on satisfactory proof of compliance with all other provisions of this Order. The remaining forty-two (42) months of the suspension will be stayed and served as a period of probation subject to the conditions set forth herein.

2. Respondent shall surrender his original wall certificate, his wallet certificate, and his most recent renewal card of his license, along with his CDS and DEA registrations, to Diane Romano, Executive Director, Board of Veterinary Medical

Examiners. These documents will be returned to Respondent on the date that his active suspension terminates.

3. Respondent shall obey all of the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of veterinary medicine in this State or any other State.

4. Respondent shall pay a civil penalty in the amount of \$5,000 in equal monthly installments and shall be completely paid within eighteen months of the date of entry of this Consent Order with interest accruing, as of the date of filing of this Consent Order, at the post-judgment interest rate as established by New Jersey Court Rule 4:42-11(a), which will be 6.00% for the calendar year 2002 and may be adjusted thereafter pursuant to Rule 4:42-11(a). Payment shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent via certified mail to Diane Romano, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. A Certificate of Debt will be filed.

5. Respondent shall pay investigative costs in the amount of \$12,000 in equal monthly installments and shall be completely paid within eighteen months of the date of entry of this Consent Order, with interest accruing as of the date of filing of this Consent Order, at the post-judgment interest rate as established by New Jersey Court Rule 4:42-11(a), which will be

6.00% for the calendar year 2002 and may be adjusted thereafter pursuant to Rule 4:42-11(a). Payment shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent via certified mail to Diane Romano, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. A Certificate of Debt will be filed.

6. Prior to resuming the active practice of veterinary medicine in the State of New Jersey, Respondent shall be required to appear before the Board or a committee thereof, and then demonstrate to the satisfaction of the Board that:

a. he has complied with all terms and conditions of this Consent Order;

b. he is prepared and fit to resume the practice of veterinary medicine, and that he has instituted plans and/or procedures to ensure that all adverse conditions noted within this Order are cured and prevented from recurring in the future, to include specific plans and/or procedures addressing the manner in which CDS will be ordered, inventoried, stored and dispensed;

c. he is not engaged in any drug use likely to impair his ability to practice veterinary medicine with reasonable skill and safety; and

d. he has complied and shall continue to comply in the future with the treatment plan of the Healthcare Professionals

Program of the Medical Society of New Jersey, Physicians' Health Program, which conditions consist of the following:

- i. Absolute abstinence from all narcotics unless prescribed by a treating physician for a documented-medical condition with notification to the Executive Medical Director of the Physician's Health Program/Healthcare Professionals Program;
- ii. Random, unannounced, twice-weekly urine monitoring with reduction as per the Executive Medical Director of the Physicians' Health Program/Healthcare Professionals Program. Respondent shall be responsible for any and all costs associated with the urine monitoring program and any other programs required by this Consent Order;
- iii. Monthly face-to-face meetings with a representative of the Healthcare Professionals' Program staff;
- iv. Quarterly reports to the Board of Veterinary Medical Examiners on Respondent's compliance with and participation in the Physicians' Health Program/Healthcare Professionals Program with immediate notification to the State Board of Veterinary Medical Examiners of any evidence of non-compliance or relapse; and
- v. Timely payment by Respondent to the PHP for all costs of his monitoring program.

7. Respondent shall establish CDS controls that comply with the pertinent CDS statutes and regulations, specifically

inventory logs, locked storage containers and strict CDS receipt controls. Respondent's veterinary medicine facilities shall be subject to random, unannounced inspections on behalf of the State Board of Veterinary Medical Examiners. During the 48 month period of the suspension the costs of no more than two such inspections per year shall be paid by Respondent upon receipt of an invoice for such inspection.

8. On returning to active practice, Respondent shall ensure that all CDS controls comply with the American Animal Hospital Association ("AAHA") standards. Respondent's veterinary medicine facilities shall be subject to random, unannounced audits by the AAHA to ensure compliance with said standards.

9. Respondent shall attend a Board-approved anger management behavioral course and obtain follow-up counseling, at least bimonthly, for the entire period of suspension, providing reports of attendance and compliance with such program to the Board office, to be maintained in a confidential manner.

10. Any deviation from the terms of this Consent Order without the prior written consent of the Board shall constitute a violation, proof of which shall be grounds for activation of the entire period of suspension by this Order or other appropriate disciplinary action as the Board may determine and may constitute

grounds for new charges to further suspend or revoke Respondent's license.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: John G. DeVries DVM
John G. DeVries, D.V.M.
Board President

I acknowledge that I have read
the within Consent Order, and I
hereby agree to be bound by its
terms. I consent to the entry
of the within Order by the New
Jersey State Board of
Veterinary Medical Examiners

Lyndon Goldsmith
Lyndon Goldsmith, D.V.M.
Dated: 4/9/02

I consent to the form of this
Order.

Robert Rochford
Robert Rochford, Esq.
Counsel for Lyndon Goldsmith, D.V.M.
Dated: 4/11/02